

of his right to due process under the Declaration of Rights?

DELEGATE GALLAGHER: That is correct, sir. We do not anticipate any allowance of invasion of personal freedoms or rights as a result of this particular section. This goes to the procedure for the operation of government as a process and to the filling of governmental offices.

THE CHAIRMAN: Are there any other questions?

Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: Delegate Gallagher, in reference to your last two words, "governmental operations", what do you mean by that, exactly, "governmental operations"?

DELEGATE GALLAGHER: We mean the ordinary day-to-day conduct of government.

DELEGATE L. TAYLOR: Do you mean, say, the police operation, or operation of the police department? Would that be included?

DELEGATE GALLAGHER: Yes, that would be a part of governmental operations.

DELEGATE L. TAYLOR: Well, suppose you had an emergency in, say, Cambridge or Baltimore City where you had a riot situation and you had a large number of arrests, and of course the police could not abide by the writ of habeas corpus due to the fact that they have maybe four thousand people arrested, and of course they could not take care of their duties and responsibilities in terms of letting people out of jail.

This particular incident occurred in Detroit where a number of people were arrested, and they could not obtain food or get out of jail.

Would this particular section cover a situation like that?

DELEGATE GALLAGHER: First of all, let me say that nothing here is intended to conflict with or detract from the right of the governor to use the militia under the appropriate circumstances.

Secondly, I should say that this constitutional provision requires that the General Assembly take further action and set up specific modes of procedure in the event that such an emergency does take place.

In and of itself, section 3.19 does nothing other than to allow the General Assembly

to pass legislation anticipating a disaster or an emergency. Consequently, the questions which you address to me would seem more properly to be considered by the legislature itself when it acts to implement 3.19. I do not see that this section would give rise to some of the fears which you express.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: What I am trying to say is this would seem to conflict with the personal rights proposal on writ of habeas corpus mentioned in the constitution.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: To the extent I can, I say quite definitely and emphatically it is not the intention of the Committee that this be the vehicle for the suspension of any personal rights guaranteed in the constitution.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: If the General Assembly can provide for temporary suspension of the continuity of state and local public offices and government operations, would this not in effect many times work to the suspension of certain personal rights?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: This does not authorize the General Assembly to suspend the operation of governmental operations or government offices. This allows them to come in and fill the gap, to keep the offices occupied and keep the government operating.

Consequently, it seems to me that this would assist in orderly government rather than detract from it.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: This is what I was trying to find out. Thank you.

DELEGATE GALLAGHER: This is not an authorization to suspend the writ of habeas corpus.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Section 4 of R&P-2 provided that no power of suspension of the laws would be allowed, and that section was taken out of the constitution